

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

FREDERICK BROOKS,

Petitioner, : Case No. 3:12-cv-318

- vs -

: District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

WARDEN, WARREN
CORRECTIONAL INSTITUTION,

:

:

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #2), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendations.

Accordingly, it is hereby ORDERED that the Petition be DISMISSED with prejudice. Petitioner is also DENIED a certificate of appealability and the Court hereby certifies to the United States Court of Appeals for the Sixth Circuit that an appeal would be objectively frivolous.

October 24, 2012

THOMAS M. ROSE

Thomas M. Rose
United States District Judge